**The stolen lulav—lulav hagazul**

(prepared by Rabbi Ariel Edery)

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| **Mishnah Sukkah 3:1**A stolen lulav, or one that is all dried out, is invalid [for use to fulfill the mitzvah of waving the four species]. If it comes from an asheirah [a tree used for idolatry] or a city condemned for idolatry, it is invalid. If its tip is cut off, or its leaves are split, it is invalid. If its leaves are separated, it is valid. | משנה סוכה ג**:**אלולב הגזול והיבש פסול של אשירה ושל עיר הנדחת פסול. נקטם ראשו נפרצו עליו פסול נפרדו עליו כשר |

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| **Rambam’s commentary on Mishnah Sukkah 3:1**A mitzvah that is done by committing a transgression is not amitzvah. Therefore, a stolen lulav, or one that comes from an asheirah [a tree used for idolatry] or a city condemned for idolatry, is invalid [for use]. | פירוש המשנה לרמב**"**ם סוכה ג**:**אמצוה הבאה בעברה אינה מצוה, ולפיכךלולב הגזול ושל אשרה ושל עיר הנדחתפסול |

**Case Study I - “The Devil is a Great Donor”**

In 2000, British American Tobacco, a leading tobacco company that controls over 15 percent of the industry’s market,

donated £3.8 million to the University of Nottingham in the United Kingdom to fund the establishment of an

International Center for the Study of Corporate Responsibility, including a chair in Corporate Social Responsibility, as

well as coursework and research in the field.

**For Debate:**

***-What can you argue to support receiving the donation, or against it?***

***-What do you think would be the Mishnah’s and Maimonides’ position? Do you agree?***

***A. The University’s Position:*** *“After consultation both within and outside the university, it was agreed that the university*

*could and should make good use of monies from British American Tobacco…Many countries have decided to tax*

*tobacco products to help fund housing, health and social services. In Britain, the government collects around £8bn in*

*tobacco tax revenues annually; it is doubtful that the current quality of social services could be maintained without*

*these revenues… Specifically, the International Center for Corporate Social Responsibility will develop world-class*

*management education for future business leaders.”*

**George Bernard Shaw** wrote in his preface to Major Barbara in 1906, referring to the Salvation Army’s decision to accept money from a distiller and a cannon founder, “*as one of its officers said, they would take money from the devil himself and be only too glad to get it out of his hands and into God’s*.”

**For Debate:**

***-What is the Principle here? Should we “take money from the Devil to do good”? Can we call anyone “devil” when we accept their money, and honor them? What would you do if you were voting at the University’s Board?***

*Consider now* ***Maimonides’ approach****:*

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| **Rambam, Mishneh Torah, Laws of Theft 5:1**One may not buy stolen goods from a thief; to do so is a great transgression because it strengthens the hands of those who violate the law and causes the thief to continue to steal, for if the thief would find no buyer he would not steal, as it says “He who shares with a thief is his own enemy” (Proverbs 29:24). | רמב**"**ם**,** משנה תורה**,** הלכות גניבה ה**:**אאסור לקנות מן הגנב החפץ שגנב ועון גדול הוא שהרי מחזיק ידי עוברי עבירה וגורם לו לגנוב גניבות אחרות, שאם לא ימצא לוקח אינו גונב ,וע"ז נאמר (משלי כט:כד) "חולק עם גנב שונא נפשו". |

**Case Study II - Justice Philanthropy v. Whitewash Philanthropy**

The Bill & Melinda Gates Foundation is a significant force in global health, poverty-reduction and

development funding. The foundation has simultaneously funded a $218 million program in the Niger Delta that provides polio and measles vaccines, and invested in oil companies to grow its endowment, including $423 million in investments in major oil companies. It is estimated that oil revenues by these companies from this region in the last 50 years total $300 billion, yet malnutrition, hunger, illiteracy, are as bad as before, or even worse. In addition, numerous diseases and economic hardship (skin cancer, polluted waters, poisoned fish) have directly resulted from the actions of those oil companies (Shell Oil being the main one). (Jenny Price, “Against Philanthropy: The business of giving is doing more harm than good,” GOOD Magazine, August 2007, http://tinyurl.com/kmft5u.)

**For Debate:**

**-Is the Gates Foundation doing a Mitzvah for the Niger Delta people?**

-***Could the Gates Foundation do a ‘better’ Mitzvah there? Should they do this?***

-We’ve been discussing making profits through unethical means, and using a fraction of those for Mitzvah. ***What would you say about an individual/group making profits through unethical means, just for his/her/their personal gain?***



**Case Study III - Diamonds are a girl’s best friend**

-***Do I have the responsibility to know where the Lulav came from?***

-**What if I save some money buying from “less ethical sources”?**

**Is it justified if I use some of what I save to do a Mitzvah?**

-***Where do you draw the line?***

Some diamonds have helped fund devastating civil wars in Africa, destroying the lives of millions. Blood diamonds or conflict diamonds are those sold in order to fund armed conflict and civil war. Profits from the trade in blood diamonds, worth billions of dollars, were used by warlords and rebels to buy arms during the devastating wars in Angola, the Democratic Republic of Congo (DRC) and Sierra Leone. Wars that have cost an estimated 3.7 million lives. While the wars in Angola and Sierra Leone are now over, and fighting in the DRC has decreased, the problem of conflict-diamonds hasn’t gone away.

Diamonds mined in rebel-held areas in Côte d’Ivoire, a West African country in the midst of a volatile conflict, are reaching the international diamond market. Conflict diamonds from Liberia are also being smuggled into neighboring countries and exported as part of the legitimate diamond trade.

This are the realities behind diamonds, and many other products we favor.

URJ’s 1997 Resolution:

**“For the Reform Jewish Movement, devoted as it is to tikkun olam, socially responsible investing policies and practices are not an optional commitment. They are an organic expression of our core beliefs.”**

**For Discussion: *Who, me? How? When?***

**Socially Responsible Investing (www.socialinvest.org)**

**What is SRI?**

**Socially Responsible Investing** (SRI) is a broad-based approach to investing that now encompasses an estimated $2.71 trillion out of $25.1 trillion in the U.S. investment marketplace today. SRI recognizes that corporate responsibility and societal concerns are valid parts of investment decisions. SRI considers both the investor's financial needs and an investment’s impact on society. SRI investors encourage corporations to improve their practices on environmental, social, and governance issues.

As a result of its investing strategies, SRI also works to enhance the bottom lines of the companies in question and, in so doing, delivers more long-term wealth to shareholders. In addition, SRI investors seek to build wealth in underserved communities worldwide. With SRI, investors can put their money to work to build a more sustainable world while earning competitive returns both today and over time. Socially responsible investors include individuals and also institutions, such as corporations, universities, hospitals, foundations, insurance companies, public and private pension funds, nonprofit organizations, and religious institutions. Institutional investors represent the largest and fastest growing segment of the SRI world.

**What are the approaches investors typically utilize in SRI?**

**Screening**, which includes both positive and negative screens, is the practice of evaluating investment portfolios or mutual funds based on social, environmental and good corporate governance criteria. Screening may involve including strong corporate social responsibility (CSR) performers, avoiding poor performers, or otherwise incorporating CSR factors into the process of investment analysis and management. Generally, social investors seek to own profitable companies that make positive contributions to society. “Buy” lists may include enterprises with, for example, good employer-employee relations, strong environmental practices, products that are safe and useful, and operations that respect human rights around the world.

Conversely, many social investors avoid investing in companies whose products and business practices are harmful to individuals, communities, or the environment. It is a common mistake to assume that SRI “screening” is simply exclusionary, or only involves negative screens. In reality, *SRI screens are being used more and more frequently to invest in companies that are leaders in adopting clean technologies and exceptional social and governance practices.*

**Shareholder advocacy** involves socially responsible investors who take an active role as the owners of corporate America. These efforts include talking (or “dialoguing”) with companies on issues of social, environmental or governance concerns. Shareholder advocacy also frequently involves filing, and co-filing shareholder resolutions on such topics as corporate governance, climate change, political contributions, gender/racial discrimination, pollution, problem labor practices and a host of other issues. Shareholder resolutions are then presented for a vote to all owners of a corporation.

**Community Investing** directs capital from investors and lenders to communities that are underserved by traditional financial services institutions. Community investing provides access to credit, equity, capital, and basic banking products that these communities would otherwise lack. In the US and around the world, community investing makes it possible for local organizations to provide financial services to low-income individuals and to supply capital for small businesses and vital community services, such as affordable housing, child care, and healthcare.